

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN THE MATTER OF

ANDY LOPEZ, SR.  
DEBORAH A LOPEZ,

DEBTORS

IN PROCEEDINGS  
UNDER CHAPTER 13

CASE NO. 19-29542  
JUDGE: Hunt

**NOTICE OF MOTION**

**Notified via Electronic Filing**

U.S. Trustee, 219 S Dearborn St, Room 873, Chicago, IL 60604  
Glenn B. Stearns, 801 Warrenville Road, Suite 650, Lisle, IL 60532  
David M. Siegel, David M. Siegel & Associates, 790 Chaddick Drive, Wheeling, IL 60090

**Notified via US Postal Service**

Andy Lopez, Sr., 2113 Alpine Way, Plainfield, IL 60586  
Deborah A Lopez, 2113 Alpine Way, Plainfield, IL 60586

Please take notice that on the 13<sup>th</sup> day of March, 2020, at the hour of 10:15 a.m. or as soon thereafter as I may be heard, I shall appear before the Honorable Judge LaShonda A Hunt at the United States Bankruptcy Court, Joliet City Hall, 150 West Jefferson Street, 2nd Floor, Joliet, IL 60432 or before any other Bankruptcy Judge who may be presiding in his/her place and stead and shall then and there present the accompanying motion. At that time and place you may attend if you so choose.

**AFFIDAVIT OF SERVICE**

The undersigned hereby certifies that he/she caused a true and correct copy of the above and foregoing document to be sent to the Debtors at the address listed below. Said copy was placed in an envelope addressed as listed below and placed in the U.S. Mail on March 4, 2020, with first class postage prepaid. All other parties entitled to notice received such notice electronically, through the office of the Clerk of the Court.

Respectfully Submitted,

/s/ Michael N. Burke

Mike Kalkowski ARDC #6185654

Richard B. Aronow ARDC# 03123969

Michael N. Burke ARDC#6291435

Shapiro Kreisman & Associates, LLC

2121 Waukegan Road, Suite 301

Bannockburn, IL 60015

(847) 291-1717

Attorneys for Movant

14-074166

**The firm of Shapiro Kreisman & Associates, LLC is a debt collector. This is an attempt to collect a debt. Any information may be used for that purpose. If your personal liability for this debt has been extinguished, discharged in bankruptcy or if a court order prohibits collecting this debt from you personally, then this is an attempt to enforce the Movant's rights with respect to the property addressed herein, and it is not an attempt to collect the debt from you personally.**

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**MOTION FOR RELIEF FROM THE AUTOMATIC STAY OR IN THE ALTERNATIVE  
DISMISSAL OF THE CASE**

NOW COMES the Movant, MidFirst Bank, by and through its attorneys, Shapiro Kreisman & Associates, LLC, and states as follows:

1. On October 17, 2019, the above-named Debtors filed a Petition pursuant to 11 USC § 1301, et. seq. and a Plan which was confirmed on February 7, 2020.
2. A material term of said plan called for the Debtors to make post-petition monthly mortgage payments directly to the Movant commencing with the installment that came due on November 1, 2019.
3. Notwithstanding said material term, said post-petition mortgage payments are in default in the amount of \$6,960.75 through March 31, 2020:

12/1/2019 - 3/1/2020 monthly payments	= \$	5,757.04
at \$1,439.26 each		
12/1/2019 - 2/1/2020 monthly late	= \$	172.71
charges at \$57.57 each		
Bankruptcy MFR court cost	= \$	181.00
Bankruptcy Attorneys' fees	= \$	850.00
<b>TOTAL</b>	<b>= \$</b>	<b>6,960.75</b>

4. By failing to make current mortgage payments, the Debtors have failed to provide the Movant with adequate protection for its security, contrary to the requirements of the Bankruptcy Code.

5. That the Movant adopts the facts set forth in the Statement of Default as additional allegations in support of this motion.

6. Upon information and belief, additional liens exist against the subject property in the amount of \$31,748.00.

7. This failure constitutes a material default entitling Movant to relief pursuant to 11 U.S.C. §362(d).

8. For the reasons set forth above, it would be inequitable to delay the enforcement of any order modifying the automatic stay with respect to the Movant.

WHEREFORE, MidFirst Bank, moves this Honorable Court to modify the automatic stay to allow MidFirst Bank to foreclose the mortgage on the property located at: 2113 Alpine Way, Plainfield, IL 60586 or to permit MidFirst Bank to exercise all rights and remedies with respect to the property pursuant to the note, security instrument, and applicable non-bankruptcy law including loss mitigation and foreclosure related activities; that the unpaid portion of any proof of claim or stipulation calling for payment of the debt secured by that mortgage be withdrawn for purposes of these proceedings only and that Federal Bankruptcy Rule 4001(a)(3) be waived or dismiss the case.

Respectfully submitted,

/s/ Michael N. Burke  
Attorney for MidFirst Bank

Mike Kalkowski ARDC #6185654  
Richard B. Aronow ARDC# 03123969  
Michael N. Burke ARDC#6291435  
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